

FRANNY A. FORSMAN  
Federal Public Defender  
State Bar No. 00014  
BRENDA WEKSLER  
Assistant Federal Public Defender  
State Bar No. 004461  
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Attorney for: GABRIEL FRANCO

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
GABRIEL FRANCO,  
  
Defendant.

2:10-CR-294-KJD

**MOTION TO WITHDRAW THE  
MOTION TO DISMISS BASED ON A  
STATUTE OF LIMITATIONS  
VIOLATION.**

CERTIFICATION: This motion is timely filed.

COMES NOW the defendant, GABRIEL FRANCO, by and through his counsel of record, Franny A. Forsman, Federal Public Defender, and Brenda Weksler, Assistant Federal Public Defender, who files this Motion to Withdraw The Motion to Dismiss Based on Statute of Limitations Violation . This motion is based upon attached Memorandum of Points and Authorities and all of the papers and pleadings on file herein.

DATED this 30<sup>th</sup> day of August, 2010.

FRANNY A. FORSMAN  
Federal Public Defender

/s/ Brenda Weksler  
By: \_\_\_\_\_  
BRENDA WEKSLER  
Assistant Federal Public Defender

**POINTS AND AUTHORITIES**

**I. Statement of Facts**

On July 10, 2010 a Motion to Dismiss Indictment Based on Statute of Limitations Violation was filed for the instant case. The parties have negotiated the case which renders the Motion unnecessary. Mr. Franco, through his attorney of record, Brenda Weksler, hereby respectfully request that this Court, withdraw his Motion to Dismiss Indictment Based on Statute of Limitations Violation.

DATED this 30<sup>th</sup> day of August, 2010.

Respectfully submitted,

/s/ Brenda Weksler

By: \_\_\_\_\_  
BRENDA WEKSLER  
Assistant Federal Public Defender

**IT IS SO ORDERED.**



**UNITED STATES MAGISTRATE JUDGE**

**DATED: 8-31-10**

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Law offices of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on August 30, 2010, she served an electronic copy of the above and foregoing Motion to withdraw Motion to Dismiss, by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN  
United States Attorney

Assistant United States Attorney  
333 Las Vegas Blvd. So., 5<sup>th</sup> Floor  
Las Vegas, Nevada 89101

/S/ Bernadette Almeida  
Employee of the Federal Public Defender